



3 IN THE MATTER OF QWEST ) DOCKET NOS.  
CORPORATION'S PETITION FOR ) T-01051B-09-0383  
4 ARBITRATION AND APPROVAL OF ) T-03335A-09-0383  
INTERCONNECTION AGREEMENT WITH )  
5 NORTH COUNTY COMMUNICATIONS )  
CORPORATION OF ARIZONA PURSUANT TO )  
6 SECTION 252(B) OF THE )  
COMMUNICATIONS ACT OF 1934 AS )  
7 AMENDED BY THE TELECOMMUNICATIONS )  
ACT OF 1996 AND APPLICABLE STATE )  
8 LAWS. ) **PROCEDURAL**  
 ) **CONFERENCE**

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1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Corporation Commission, 400 West Congress Street,  
4 Tucson, Arizona, commencing at 10:00 p.m. on the 4th day  
5 of December, 2009.

6

7 BEFORE: JANE L. RODDA, Administrative Law Judge

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9 APPEARANCES:

10 For Qwest Corporation:

11 QWEST CORPORATION  
12 By: Mr. Norman G. Curtright  
13 20 East Thomas Road, 16th Floor  
Phoenix, Arizona 85012  
(Appeared telephonically)

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For North County Communications:

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DICKS AND WORKMAN  
16 By: Mr. Chris Reichman  
2720 Symphony Towers  
17 750 B Street  
San Diego, California 92101  
18 (Appeared telephonically)

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MICHELE E. BALMER  
Certified Reporter  
Certificate No. 50489  
(Appeared telephonically)

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1           ARBITRATOR RODDA: This is the time set for the  
2 procedural conference in Docket Numbers T-01051B-09-383  
3 and T-03335A-09-383, which is the arbitration of the  
4 interconnection agreement between Qwest and North County  
5 Communications.

6           Good morning, everyone. Welcome to the Arizona  
7 Corporation Commission. My name is Jane Rodda, and I'm  
8 the Administrative Law Judge assigned to this matter.

9           First thing I'm going to do is to take  
10 appearances of the parties. So on behalf of Qwest?

11           MR. CURTRIGHT: This is Norman Curtright for  
12 Qwest Corporation, and also on the line this morning with  
13 Qwest is Reed Peterson.

14           ARBITRATOR RODDA: And on behalf of North County  
15 Communications?

16           MR. REICHMAN: This is Chris Reichman with the  
17 Dicks and Workman firm, representing North County  
18 Communications.

19           ARBITRATOR RODDA: All right. First, before I'm  
20 going to ask you for the status update, I want to thank  
21 you, Mr. Curtright, or Mr. Peterson, for arranging the  
22 bridge line. It's very helpful.

23           MR. CURTRIGHT: Sure thing.

24           ARBITRATOR RODDA: All right. So the parties  
25 have been talking, and so who wants to fill me in on where

1 we are?

2 MR. CURTRIGHT: Well, this is Norman Curtright  
3 for Qwest. It's our understanding that the parties have  
4 been in productive discussions and have set as their  
5 self-imposed deadline to conclude this negotiation by the  
6 15th of this month. Now, I'm not personally involved, but  
7 that's the report I get.

8 Mr. Reichman, if you have a different view,  
9 perhaps you could let us know what is going on.

10 MR. REICHMAN: No, I agree entirely, Norm. My  
11 understanding is that NCC sent its final comments to Qwest  
12 on the 1st, and that we do have a self-imposed deadline of  
13 the 15th to get -- to have a signed draft of the final  
14 ICA.

15 ARBITRATOR RODDA: Okay. And then so after you  
16 have finalized your agreement, you'll file it with the  
17 Commission; is that right, Mr. Curtright?

18 MR. CURTRIGHT: That's correct. If we reach it  
19 by negotiation and without resorting to arbitration, we'll  
20 file the agreement as we do normally and Qwest would move  
21 to dismiss the arbitration. I think if we don't meet our  
22 deadline, we might go ahead and set a time by which we  
23 need to get the ball rolling by filing a proposed  
24 agreement and the parties' respective language proposals.  
25 I would suggest that's something that we could usefully do

1 today.

2 ARBITRATOR RODDA: I'm sorry.

3 MR. REICHMAN: I don't think we have any problem.

4 ARBITRATOR RODDA: I'm not sure I followed  
5 exactly what your proposal for -- if you don't reach  
6 your --

7 MR. CURTRIGHT: We have a self-imposed deadline  
8 to wrap this up by the 15th. Just to hold everyone's feet  
9 to the fire, what we were thinking was that if we don't  
10 meet that objective that we would pick a date early next  
11 year by which the parties would file jointly, if possible,  
12 a proposed agreement, and then set out their respective  
13 language differences and enumerate the issues.

14 ARBITRATOR RODDA: I understood that part. When  
15 you said we could do that today, I thought, well, that  
16 doesn't make sense. All right. So some time in early  
17 January?

18 MR. CURTRIGHT: Yeah. I'm looking at perhaps  
19 January 22 for filing the proposed agreement and list of  
20 issues and the respective language proposals.

21 ARBITRATOR RODDA: All right. So perhaps by  
22 January 22 you could do that, or before that date file a  
23 motion to dismiss or --

24 MR. CURTRIGHT: That's what we had in mind.

25 ARBITRATOR RODDA: -- or a stipulation to

1 dismiss.

2 MR. CURTRIGHT: Right. And I have not discussed  
3 that date with Mr. Reichman so --

4 MR. REICHMAN: Honestly, we would rather set a  
5 date in early January of like either the 1st or the 4th to  
6 have another status conference and set dates at that time.  
7 If the ACC would prefer we do it Norm's way, that's fine,  
8 too. We just think that, you know, we would like to give  
9 ourselves a little room while we're still all negotiating  
10 in good faith here.

11 MR. CURTRIGHT: It doesn't matter to me. I just  
12 want to have some sort of mechanism so that the  
13 negotiators know that they need to pull this off.

14 MR. REICHMAN: That's why I was thinking another  
15 status conference on maybe January the 4th with, you know,  
16 an agreement between us that we would get a filing in by  
17 the 31st if we haven't gotten everyone wrapped up by the  
18 4th.

19 ARBITRATOR RODDA: Okay. Are you all in town on  
20 the 4th?

21 MR. CURTRIGHT: Well, that's a little bit early  
22 for me, Your Honor. I would propose the 8th.

23 ARBITRATOR RODDA: Okay.

24 MR. REICHMAN: The 8th works for us, too.

25 ARBITRATOR RODDA: We'll set up a status

1 conference on the 8th. And then, if there's no agreement  
2 by then, we'll be setting dates for when you file your  
3 position statements, so it will be shortly -- I mean,  
4 shortly thereafter.

5 MR. CURTRIGHT: Right.

6 ARBITRATOR RODDA: All right. That sounds fine.  
7 But I hope you reach agreement.

8 MR. CURTRIGHT: As do we.

9 ARBITRATOR RODDA: All right. So anything else  
10 today?

11 MR. REICHMAN: Should we set the time and the  
12 date, Norm? Are you ready for that or --

13 MR. CURTRIGHT: I'm totally open right now on the  
14 8th.

15 ARBITRATOR RODDA: Well, I was going to do it at  
16 10:00 a.m.

17 MR. REICHMAN: That's fine.

18 MR. CURTRIGHT: And we can, of course, use this  
19 bridge number, too, Judge Rodda.

20 ARBITRATOR RODDA: So the same number.  
21 Excellent. I appreciate that.

22 All right. So I'll be issuing a procedural  
23 order. And obviously, if you file your agreement before  
24 and don't need that date, then just let me know that, too,  
25 so we don't have to go through the expense of doing that.



1 MR. CURTRIGHT: Will do.

2 ARBITRATOR RODDA: So if I don't talk to any of  
3 you, have a happy holidays.

4 MR. CURTRIGHT: You too, Your Honor. Thank you.

5 MR. REICHMAN: Thank you.

6 ARBITRATOR RODDA: Thank you. Bye.

7 (The Procedural Conference concluded at  
8 10:08 a.m.)

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1 STATE OF ARIZONA     )  
                                  ) ss.  
2 COUNTY OF MARICOPA )

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4               I, MICHELE E. BALMER, Certified Reporter  
5 No. 50489 for the State of Arizona, do hereby certify that  
6 the foregoing printed pages constitute a full, true and  
7 accurate transcript of the proceedings had in the  
8 foregoing matter, all done to the best of my skill and  
9 ability.

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11               WITNESS my hand this 7th day of December, 2009.

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*Michele E. Balmer*  
MICHELE E. BALMER  
Certified Reporter  
Certificate No. 50489

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